

**U.S. District Court
California Northern District (San Jose)
CIVIL DOCKET FOR CASE #: 5:15-cv-02308-EJD**

McCash v. Central Intelligence Agency et al
Assigned to: Hon. Edward J. Davila
Referred to: Magistrate Judge Susan van Keulen
Cause: 05:552 Freedom of Information Act

Date Filed: 05/22/2015
Date Terminated: 03/20/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Tania McCash

represented by **Tania McCash**
6950 Almaden Expressway #158
San Jose, CA 95120
408-997-2660
PRO SE

V.

Defendant

Central Intelligence Agency

represented by **Michael Thomas Pyle**
United States Attorney's Office
150 Almaden Blvd., Suite 900
San Jose, CA 95113
408-535-5087
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ATTORNEY TO BE NOTICED

Defendant

National Security Agency

represented by **Michael Thomas Pyle**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

U. S. Department of Justice

represented by **Michael Thomas Pyle**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/22/2015	<u>1</u>	COMPLAINT (summons issued) against Central Intelligence Agency, National Security Agency, U. S. Department of Justice (Filing fee \$ 400.). Filed by Tania McCash. (Attachments: # <u>1</u> Civil Cover Sheet)(cv, COURT STAFF) (Filed on 5/22/2015) (Entered: 05/22/2015)
05/22/2015	<u>2</u>	Summons Issued as to U. S. Department of Justice, U.S. Attorney and U.S. Attorney General (cv, COURT STAFF) (Filed on 5/22/2015) (Entered: 05/22/2015)
05/22/2015	<u>3</u>	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 8/18/2015. Case Management Conference set for 8/25/2015 10:00 AM in Courtroom 5, 4th Floor, San Jose. (cv, COURT STAFF) (Filed on 5/22/2015) (Entered: 05/22/2015)
05/22/2015	<u>4</u>	PROOF OF SERVICE by Tania McCash re <u>2</u> Summons Issued as to USA (cv, COURT STAFF) (Filed on 5/22/2015) (Entered: 05/22/2015)
05/27/2015	<u>5</u>	CERTIFICATE OF SERVICE by Tania McCash re <u>2</u> Summons Issued as to USA U.S. Attorney General (cv, COURT STAFF) (Filed on 5/27/2015) (Entered: 05/27/2015)

06/08/2015	<u>6</u>	CLERK'S NOTICE Re: Consent or Declination: Plaintiff shall file a consent or declination to proceed before a magistrate judge within 14 days of this notice, by 6/22/2015. Forms are available at: http://cand.uscourts.gov/civilforms . (ofr, COURT STAFF) (Filed on 6/8/2015) (Additional attachment(s) added on 6/8/2015: # <u>1</u> CERTIFICATE OF SERVICE) (ofr, COURT STAFF). (Entered: 06/08/2015)
06/16/2015	<u>7</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Tania McCash.. (cv, COURT STAFF) (Filed on 6/16/2015) (Entered: 06/16/2015)
06/17/2015	<u>8</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Central Intelligence Agency, National Security Agency, U. S. Department of Justice.. (Attachments: # <u>1</u> Certificate/Proof of Service)(Pyle, Michael) (Filed on 6/17/2015) (Entered: 06/17/2015)
06/19/2015	<u>9</u>	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge. Clerk to reassign case. (ofr, COURT STAFF) (Filed on 6/19/2015) (Additional attachment(s) added on 6/19/2015: # <u>1</u> CERTIFICATE OF SERVICE) (ofr, COURT STAFF). (Entered: 06/19/2015)
06/19/2015	<u>10</u>	ORDER REASSIGNING CASE. Case reassigned to Hon. Edward J. Davila and for all further proceedings. Magistrate Judge Paul Singh Grewal remains as referral judge assigned to the case. Reassignment Order signed by Executive Committee on 6/19/2015. (bwS, COURT STAFF) (Filed on 6/19/2015) (Entered: 06/19/2015)
06/19/2015		Remarks: Clerk mailed copy of Reassignment Order to Pro Se Party (bwS, COURT STAFF) (Filed on 6/19/2015) (Entered: 06/19/2015)
06/19/2015	<u>11</u>	CLERK'S NOTICE RESETTING CASE MANAGEMENT CONFERENCE FOLLOWING REASSIGNMENT FROM MAGISTRATE JUDGE (WITH CERTIFICATE OF SERVICE). Joint Case Management Statement due by 8/20/2015. Case Management Conference set for 8/27/2015 10:00 AM in Courtroom 4, 5th Floor, San Jose before Hon. Edward J. Davila. Deadlines associated with the initial case management conference are adjusted accordingly. The Court does not issue a revised Initial Case Management Scheduling Order with ADR Deadlines. Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/ejdorders (ecg, COURT STAFF) (Filed on 6/19/2015) (Entered: 06/19/2015)
06/22/2015	<u>12</u>	FEDERAL DEFENDANTS ANSWER TO COMPLAINT ANSWER to Complaint by Central Intelligence Agency, National Security Agency, U. S. Department of Justice. (Attachments: # <u>1</u> Certificate/Proof of Service)(Pyle, Michael) (Filed on 6/22/2015) (Entered: 06/22/2015)
07/06/2015	<u>13</u>	MOTION for a Court Order defendants to provide her within 20 days with an index of the withheld documents filed by Tania McCash. Responses due by 7/20/2015. Replies due by 7/27/2015. (cv, COURT STAFF) (Filed on 7/6/2015) Modified on 7/10/2015 (cv, COURT STAFF). (Entered: 07/06/2015)
07/08/2015	<u>14</u>	CLERK'S NOTICE (WITH CERTIFICATE OF SERVICE) Setting Plaintiff's Motion for Hearing. Set/Reset Deadlines as to <u>13</u> MOTION for defendants to provide her within 20 days with an index of the withheld documents. Motion Hearing set for 8/27/2015 09:00 AM in Courtroom 4, 5th Floor, San Jose before Hon. Edward J. Davila. Briefing schedule remains unchanged: Responses due by 7/20/2015. Replies due by 7/27/2015. (ecg, COURT STAFF) (Filed on 7/8/2015) Modified text on 7/8/2015 (ecg, COURT STAFF). (Entered: 07/08/2015)
07/10/2015	<u>15</u>	CERTIFICATE OF SERVICE by Tania McCash re <u>13</u> MOTION for defendants to provide her within 20 days with an index of the withheld documents (cv, COURT STAFF) (Filed on 7/10/2015) (Entered: 07/10/2015)
07/17/2015	<u>16</u>	RESPONSE (re <u>13</u> MOTION for defendants to provide her within 20 days with an index of the withheld documents) FEDERAL DEFENDANTS OPPOSITION TO PLAINTIFFS MOTION FOR A VAUGHN INDEX filed by Central Intelligence Agency, National Security Agency, U. S. Department of Justice. (Attachments: # <u>1</u> Certificate/Proof of Service)(Pyle, Michael) (Filed on 7/17/2015) (Entered: 07/17/2015)

08/12/2015	<u>17</u>	CASE MANAGEMENT STATEMENT <i>FEDERAL DEFENDANTS CASE MANAGEMENT CONFERENCE STATEMENT</i> filed by Central Intelligence Agency, National Security Agency, U. S. Department of Justice. (Attachments: # <u>1</u> Certificate/Proof of Service)(Pyle, Michael) (Filed on 8/12/2015) (Entered: 08/12/2015)
08/20/2015	<u>18</u>	ORDER denying without prejudice <u>13</u> Motion for Production of Index of Withheld Documents. The hearing scheduled for 8/27/2015 is VACATED. Signed by Judge Edward J. Davila on 8/20/2015. (ejdlc1S, COURT STAFF) (Filed on 8/20/2015) (Additional attachment(s) added on 8/21/2015: # <u>1</u> Certificate of Service) (ecg, COURT STAFF). (Entered: 08/20/2015)
08/24/2015	<u>19</u>	ORDER TO SHOW CAUSE. If Plaintiff does not, by September 4, 2015, file a Case Management Conference Statement which conforms to the undersigned's applicable Standing Order or otherwise demonstrate good cause in writing why this case should not be dismissed, the court will dismiss the action with prejudice pursuant to Federal Rule of Civil Procedure 41(b). No hearing will be held on the order to show cause unless otherwise ordered by the court. In light of this order, the Case Management Conference scheduled for 8/27/2015, is VACATED and will be reset if necessary upon resolution of the issue addressed herein. Signed by Judge Edward J. Davila on 8/24/2015. (Attachments: # <u>1</u> Certificate of Service)(ecg, COURT STAFF) (Filed on 8/24/2015) (Entered: 08/24/2015)
09/02/2015	<u>20</u>	CASE MANAGEMENT STATEMENT filed by Tania McCash. (Attachments: # <u>1</u> Certificate/Proof of Service)(cv, COURT STAFF) (Filed on 9/2/2015) (Entered: 09/02/2015)
09/10/2015	<u>21</u>	CASE MANAGEMENT ORDER. The Order to Show Cause issued on 8/24/2015, is DISCHARGED, and the parties are ordered to comply with the following schedule: The deadline for joinder of any additional parties, or other amendments to the pleadings, is sixty days after entry of this order. the parties are excused from the disclosure requirements described in Federal Rule of Civil Procedure 26 because this case is the equivalent to one that will be decided upon the review of an administrative record. The parties are excused from the separate statement requirement for summary judgment motions described in the undersigned's Standing Order for Civil Cases. Deadline for Defendants to File Anticipated Motion for Summary Judgment due by 10/9/2015. Response due by 11/9/2015. Reply due by 11/23/2015. Motion Hearing set for 1/14/2016 09:00 AM in Courtroom 4, 5th Floor, San Jose before Hon. Edward J. Davila. Signed by Judge Edward J. Davila on 9/10/2015. (Attachments: # <u>1</u> Certificate of Service)(ecg, COURT STAFF) (Filed on 9/10/2015) (Entered: 09/10/2015)
10/09/2015	<u>22</u>	MOTION for Summary Judgment filed by Central Intelligence Agency, National Security Agency, U. S. Department of Justice. Motion Hearing set for 1/14/2016 09:00 AM before Hon. Edward J. Davila. Responses due by 10/23/2015. Replies due by 10/30/2015. (Pyle, Michael) (Filed on 10/9/2015) Modified on 10/9/2015 (cv, COURT STAFF). (Entered: 10/09/2015)
10/09/2015	<u>23</u>	Declaration of MARTHA M. LUTZ in Support of <u>22</u> MOTION for Summary Judgment <i>FEDERAL DEFENDANTS NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT</i> filed by Central Intelligence Agency, National Security Agency, U. S. Department of Justice. (Related document(s) <u>22</u>) (Pyle, Michael) (Filed on 10/9/2015) (Entered: 10/09/2015)
10/09/2015	<u>24</u>	Declaration of DAVID M. HARDY in Support of <u>22</u> MOTION for Summary Judgment <i>FEDERAL DEFENDANTS NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT</i> filed by Central Intelligence Agency, National Security Agency, U. S. Department of Justice. (Related document(s) <u>22</u>) (Pyle, Michael) (Filed on 10/9/2015) (Entered: 10/09/2015)
10/09/2015	<u>25</u>	Declaration of C. RENEE KUNTZ in Support of <u>22</u> MOTION for Summary Judgment <i>FEDERAL DEFENDANTS NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT</i> filed by Central Intelligence Agency, National Security Agency, U. S. Department of Justice. (Related document(s) <u>22</u>) (Pyle, Michael) (Filed on 10/9/2015) (Entered: 10/09/2015)

10/09/2015	<u>26</u>	Statement re <u>22</u> MOTION for Summary Judgment by Central Intelligence Agency, National Security Agency, U. S. Department of Justice. (Pyle, Michael) (Filed on 10/9/2015) Modified on 10/9/2015 (cv, COURT STAFF). (Entered: 10/09/2015)
10/09/2015	<u>27</u>	Proposed Order re <u>22</u> MOTION for Summary Judgment by Central Intelligence Agency, National Security Agency, U. S. Department of Justice. (Attachments: # <u>1</u> Certificate/Proof of Service)(Pyle, Michael) (Filed on 10/9/2015) Modified on 10/9/2015 (cv, COURT STAFF). (Entered: 10/09/2015)
11/09/2015	<u>28</u>	OPPOSITION (re <u>22</u> MOTION for Summary Judgment) filed by Tania McCash. (cv, COURT STAFF) (Filed on 11/9/2015) (Entered: 11/09/2015)
11/09/2015	<u>29</u>	Declaration of Tania McCash in Support of <u>28</u> Opposition/Response to Motion filed by Tania McCash. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Related document(s) <u>28</u>) (cv, COURT STAFF) (Filed on 11/9/2015) (Entered: 11/09/2015)
11/09/2015	<u>30</u>	CERTIFICATE OF SERVICE by Tania McCash re <u>28</u> Opposition/Response to Motion, <u>29</u> Declaration in Support (cv, COURT STAFF) (Filed on 11/9/2015) (Entered: 11/09/2015)
11/23/2015	<u>31</u>	REPLY (re <u>22</u> MOTION for Summary Judgment) <i>FEDERAL DEFENDANTS REPLY TO PLAINTIFFS OPPOSITION TO MOTION FOR SUMMARY JUDGMENT</i> filed by Central Intelligence Agency, National Security Agency, U. S. Department of Justice. (Pyle, Michael) (Filed on 11/23/2015) (Entered: 11/23/2015)
11/23/2015	<u>32</u>	Declaration of C. RENEE KUNTZ in Support of <u>31</u> Reply to Opposition/Response, <i>SUPPLEMENTAL DECLARATION OF C. RENEE KUNTZ</i> filed by Central Intelligence Agency, National Security Agency, U. S. Department of Justice. (Attachments: # <u>1</u> Certificate/Proof of Service)(Related document(s) <u>31</u>) (Pyle, Michael) (Filed on 11/23/2015) (Entered: 11/23/2015)
12/31/2015	<u>33</u>	Letter from Tania McCash re: Motion Hearing set for 1/14/2016 09:00 AM. (cv, COURT STAFF) (Filed on 12/31/2015) (Entered: 01/04/2016)
01/05/2016	<u>34</u>	RESPONSE to re <u>33</u> Letter <i>FEDERAL DEFENDANTS NOTICE RESPONDING TO PLAINTIFFS LETTER ABOUT CHANGING HEARING DATE</i> by Central Intelligence Agency. (Attachments: # <u>1</u> Certificate/Proof of Service)(Pyle, Michael) (Filed on 1/5/2016) (Entered: 01/05/2016)
01/11/2016	<u>35</u>	CLERK'S NOTICE (WITH CERTIFICATE OF SERVICE) TAKING MOTION UNDER SUBMISSION WITHOUT ORAL ARGUMENT. The Motion for Summary Judgment (Docket Item No. <u>22</u>) before Judge Edward J. Davila previously noticed for January 14, 2016 at 9:00 AM has been taken under submission without oral argument pursuant to Civ. L.R. 7-1(b). The January 14, 2016 hearing is VACATED. The Court to issue further Order on the submitted motion.(ecg, COURT STAFF) (Filed on 1/11/2016) (Entered: 01/11/2016)
01/21/2016	<u>36</u>	AFFIDAVIT of Tania R. McCash is being prepared in regards to, 1. Clerk's Notice Taking Motion Under Submission Without Oral Argument 2. My mailing address is: 6950 Almaden Expressway#158, San Jose CA, 95120 filed by Tania McCash. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(cv, COURT STAFF) (Filed on 1/21/2016) Modified on 11/28/2016 (cv, COURT STAFF). (Entered: 01/21/2016)
06/06/2016	<u>37</u>	ORDER REASSIGNING CASE. Case reassigned to Magistrate Judge Nathanael M. Cousins for referral purposes. Magistrate Judge Paul Singh Grewal no longer assigned to the case. Signed by the Executive Committee on 6/6/2016. (vlk, COURT STAFF) (Filed on 6/6/2016) (Entered: 06/07/2016)
06/09/2016	<u>38</u>	CERTIFICATE OF SERVICE re <u>37</u> Order Reassigning Case. (vlkS, COURT STAFF) (Filed on 6/9/2016) (Entered: 06/09/2016)
11/10/2016	<u>39</u>	ORDER granting in part and denying in part <u>22</u> Motion for Summary Judgment. Signed by Judge Edward J. Davila on 11/10/2016. (ejdlc3, COURT STAFF) (Filed on 11/10/2016) (Additional attachment(s) added on 11/10/2016: # <u>1</u> Certificate/Proof of Service) (amkS, COURT STAFF). (Entered: 11/10/2016)
11/10/2016		***Set Deadlines/Hearings pursuant to <u>39</u> Order: Joint Case Management Statement due by 12/1/2016. Further Case Management Conference set for 12/8/2016 10:00 AM in Courtroom 4, 5th Floor, San Jose. (amkS, COURT STAFF) (Filed on 11/10/2016)

		(Entered: 11/10/2016)
11/28/2016	<u>40</u>	Mail sent to Tania McCash returned as undeliverable re <u>39</u> Order on Motion for Summary Judgment.,. (cv, COURT STAFF) (Filed on 11/28/2016) (Entered: 11/28/2016)
11/28/2016		mailed copy of docket #39 ORDER granting in part and denying in part 22 Motion for Summary Judgment to Tania R. McCash. (cv, COURT STAFF) (Filed on 11/28/2016) (Entered: 11/28/2016)
11/29/2016	<u>41</u>	CASE MANAGEMENT STATEMENT filed by Tania McCash. (cv, COURT STAFF) (Filed on 11/29/2016) (Entered: 11/29/2016)
11/30/2016	<u>42</u>	CASE MANAGEMENT STATEMENT filed by U. S. Department of Justice. (Pyle, Michael) (Filed on 11/30/2016) (Entered: 11/30/2016)
12/02/2016	<u>43</u>	CASE MANAGEMENT ORDER(SEE ORDER FOR SPECIFICS): Having reviewed the parties individual Case Management Conference Statements (Dkt. Nos. <u>41</u> , <u>42</u>), the court has determined an appearance is unnecessary at this time. Accordingly, the Case Management Conference currently set for December 8, 2016 is hereby VACATED – NO APPEARANCE NECESSARY and the court, finds, concludes and orders as follows: Defendants shall file a limited summary judgment motion on or before January 9, 2017. Opposition due by 1/23/2017. Reply due by 2/6/2017. Defendants' Motion for Summary Judgment Hearing set for 3/9/2017 09:00 AM in Courtroom 4, 5th Floor, San Jose before Hon. Edward J. Davila. For now, Plaintiffs request for an in camera review is DENIED WITHOUT PREJUDICE. Signed by Judge Edward J. Davila on 12/2/2016. (Attachments: # <u>1</u> Certificate/Proof of Service)(amkS, COURT STAFF) (Filed on 12/2/2016) (Entered: 12/02/2016)
12/06/2016	<u>44</u>	STIPULATION WITH PROPOSED ORDER re <u>43</u> Order,,, Terminate Hearings,,, Set Motion and Deadlines/Hearings,,, <i>To Change hearing Date on Motion for Summary Judgment</i> filed by Central Intelligence Agency, National Security Agency, U. S. Department of Justice. (Attachments: # <u>1</u> Certificate/Proof of Service)(Pyle, Michael) (Filed on 12/6/2016) (Entered: 12/06/2016)
12/08/2016	<u>45</u>	ORDER granting <u>44</u> Stipulation to Change hearing Date on Motion for Summary Judgment. Motion Hearing set for 3/23/2017 09:00 AM in Courtroom 4, 5th Floor, San Jose. Signed by Judge Edward J. Davila on 12/8/2016. (ejdlc1S, COURT STAFF) (Filed on 12/8/2016) (Additional attachment(s) added on 12/8/2016: # <u>1</u> Certificate/Proof of Service) (amkS, COURT STAFF). (Entered: 12/08/2016)
01/09/2017	<u>46</u>	MOTION for Summary Judgment filed by Central Intelligence Agency, National Security Agency, U. S. Department of Justice. Motion Hearing set for 3/23/2017 09:00 AM in Courtroom 4, 5th Floor, San Jose before Hon. Edward J. Davila. Responses due by 1/23/2017. Replies due by 1/30/2017. (Attachments: # <u>1</u> Declaration of David M. Hardy, # <u>2</u> Proposed Order)(Pyle, Michael) (Filed on 1/9/2017) (Entered: 01/09/2017)
01/09/2017	<u>47</u>	CERTIFICATE OF SERVICE by Central Intelligence Agency, National Security Agency, U. S. Department of Justice re <u>46</u> MOTION for Summary Judgment (Pyle, Michael) (Filed on 1/9/2017) (Entered: 01/09/2017)
01/20/2017	<u>48</u>	ORDER REASSIGNING CASE. Case reassigned to Magistrate Judge Susan van Keulen for all further discovery proceedings. Magistrate Judge Nathanael M. Cousins no longer assigned to the case. Signed by Judge Executive Committee on 1/20/2017. (lmh, COURT STAFF) (Filed on 1/20/2017) (Additional attachment(s) added on 1/20/2017: # <u>1</u> Certificate/Proof of Service) (sp, COURT STAFF). (Entered: 01/20/2017)
01/23/2017	<u>49</u>	RESPONSE (re <u>46</u> MOTION for Summary Judgment) filed by Tania McCash. (cv, COURT STAFF) (Filed on 1/23/2017) (Entered: 01/23/2017)
01/26/2017	<u>50</u>	REPLY (re <u>46</u> MOTION for Summary Judgment) to Plaintiff's Opposition [ECF 49] filed by Central Intelligence Agency, National Security Agency, U. S. Department of Justice. (Pyle, Michael) (Filed on 1/26/2017) (Entered: 01/26/2017)

03/20/2017	<u>51</u>	ORDER GRANTING 46 MOTION FOR SUMMARY JUDGMENT. The hearing scheduled for 3/23/2017 is VACATED. Signed by Judge Edward J. Davila on 3/20/2017. The Clerk shall close this file. (ejdlc2S, COURT STAFF) (Filed on 3/20/2017) Modified on 3/20/2017 (ejdlc1S, COURT STAFF). (Additional attachment(s) added on 3/20/2017: # <u>1</u> Certificate/Proof of Service) (amkS, COURT STAFF). (Entered: 03/20/2017)
03/20/2017	<u>52</u>	JUDGMENT. IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment is entered in favor of Defendants. The Clerk shall close this file. Signed by Judge Edward J. Davila on 3/20/2017. (ejdlc1S, COURT STAFF) (Filed on 3/20/2017) (Additional attachment(s) added on 3/20/2017: # <u>1</u> Certificate/Proof of Service) (amkS, COURT STAFF). (Entered: 03/20/2017)